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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA, et al.,
9 Plaintiffs,
10 v.
11 STATE OF WASHINGTON, et al.,
12 Defendants.

Case No. C70-9213

Sub-proceeding No. 18-sp-01

ORDER GRANTING LEAVE TO OPEN
NEW SUBPROCEEDING

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14 THIS MATTER comes before the Court for consideration upon the *Ex Parte* Motion of
15 the Swinomish Indian Tribal Community and Tulalip Tribes for an Order seeking leave to open
16 a new subproceeding against the Lummi Nation. Dkt. #21748. Other potential interested parties
17 are the Suquamish Tribe, the Upper Skagit Indian Tribe, and the State of Washington. *Id.* The
18 Swinomish and Tulalip Tribes certify that the parties have held a Meet and Confer and conducted
19 unsuccessful mediation, in compliance with the pre-filing requirements of Paragraph 25 of the
20 Permanent Injunction, as modified August 11, 1993 (Dkt. # 13599), and the Court's
21 Supplemental Order on Paragraph 25 Procedures (Dkt. # 19893). *Id.* at 2.

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23 Having considered the Motion and the relevant record, the Court hereby ORDERS that
24 the Swinomish Indian Tribal Community and Tulalip Tribes are GRANTED leave to open a
25 new subproceeding against the Lummi Nation.
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1 It is further ORDERED that the Clerk shall open this matter as a new subproceeding,
2 designated as Subproceeding 18-sp-01, and shall file the pending Motion for Temporary
3 Restraining Order in that subproceeding.

4 The Swinomish and Tulalip Tribes shall then proceed with the filing of their Request for
5 Determination. All subsequent filings in the subproceeding shall be filed in the main case, C70-
6 9213RSM, as well as in the subproceeding.

7 This Order does not constitute a finding that the dispute is within the Court's jurisdiction
8 under Paragraph 25 of the Permanent Injunction.
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10 DATED this 31st day of May, 2018.

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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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